

DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813 Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

February 11, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

House Bill 1009, HD 1 - Relating to Movie Theaters

The Disability and Communication Access Board (DCAB) supports House Bill 1009, HD 1 which will strengthen our state's law relating to the provision of open captioning movie showings for the deaf and hard of hearing population.

The Legislature passed Act 39 (2015) requiring movie theaters with more than two locations to offer each movie produced with captions to have two showings/week with open captioning, similar to subtitles. Open captioned showtimes were at the discretion of the theater. This state law augmented the federal requirements to offer an assistive technology option to view movies with closed captioning. Act 211 (2017) restricted the rights in Act 39 (2015) to (a) require one, versus two, viewings per week, and (b) allow no open captioned viewings if the theater offered lightweight glasses as an alternative.

House Bill 1009 essentially seeks to return the statute what was initially provided in Act 39 (2015) without a sunset date and with some additional conditions on the movie screening times.

These changes to the law would afford individuals who are deaf or hard of hearing an equal opportunity to attend open captioned movies and follow the audio aspects of movies exhibited in motion pictures similar to the general public. In Hawaii, a community that readily accepts subtitled foreign language movies and television programs, open captioning is a natural expansion of that concept.

Our support for the bill is based upon two factors:

- The deaf community strongly prefers open captioning to any type of eyewear, even if lightweight. It is a myth that the current federal law with closed captioning was preferred at the federal level by the deaf and hard of hearing community; it was a compromise to the industry. When a person uses the lightweight glasses, they are labeled as deaf, whereas when captions are shown, the deaf individual is not singled out.
- Identifying a specific type of technology in statute is not appropriate. Federal law allows theaters to use any option to view closed captions while our state law limits viewing to one option. With rapid technological advances occurring, there may be a better solution developed in the future other than lightweight glasses.

With the specificity in our current statute, Hawaii would be limited by a reference to obsolete technology in the law.

We offer the following comments related to what the two movie theaters cited in their prior testimony on the issue of captioned movies:

- (1) The theaters state that the bill will deprive patrons the option to seeing the closed captioning at any show time on any day and will leave them with no choice but attend limited open captioned shows. This is NOT true. Under federal law, all the showings that are not open captioned must still have the option to be viewed with assistive technology. This bill will not negate federal law but supplement it. This bill is about providing CHOICE to consumers who prefer open captioning to using any assistive device. For any given show in a week, there would still be approximately thirty shows without open captioning.
- (2) The theaters also stated that there has been an increase in the use of personal captioning devices between 2015 and 2017. This is, in part, because they were not available before such time and the availability coincided with the passage of the federal law requiring movie theaters to have a specific number of assistive devices.
- (3) The theaters claim that they have lost revenue due to lower attendance at open captioned movies, as stated in a Department of Business, Economic Development, and Tourism study from December 2017. Their inference is misleading, as the open captioned showings have consistently been at non-peak times where attendance is lower in general. It would be inappropriate to infer causation that the difference in attendance was attributed to the captioning. Furthermore, it is not possible to measure whether patrons simply selected another showtime with an overall net impact of zero.

The proposed amendments to the current law would address the discriminatory effects of communication barriers at movie theaters encountered by individuals who are deaf or hard of hearing, ensuring equal opportunity to enjoy motion picture showings. We ask that you pass House Bill 1009, HD1 out of Committee.

Thank you for the opportunity to testify.

Respectfully submitted,

for FRANCINE WAI
Executive Director



February 11, 2019 Rm. 325, 2:00 p.m.

To: The Honorable Chris Lee, Chair

The Honorable Joy A. San Buenaventura, Vice Chair Members of the House Committee on Judiciary

From: Linda Hamilton Krieger, Chair

and Commissioners of the Hawai'i Civil Rights Commission



Re: H.B. No. 1009, H.D.1

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai'i's laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai'i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

H.B. No. 1009, H.D.1, amends H.R.S. § 489-9(a), to restore the statutory requirement originally enacted as a provision of Act 39, L. 2015, that covered movie theaters provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning. The bill deletes the amendment of that provision effected by Act 211, L. 2017, reducing the requirement to one showing per week with open captioning, and eliminating that requirement for theaters that opt to provide "[a] personal closed captioning system by means of lightweight eyewear for a motion picture that is produced and offered with closed captioning content."

And, H.B. No. 1009, H.D.1, amends Act 39, Session Laws of Hawaii 2015, as amended by Act 211, Session Laws of Hawaii 2017, to eliminate the "sunset" of the statute on January 1, 2020.

The HCRC has enforcement jurisdiction over H.R.S. chapter 489, including § 489-9. Under § 489-9(c), a violation of the open captioning and audio description requirements is an unlawful discriminatory practice.

H.R.S. § 489-9, as enacted in Act 39 in 2015, was intended to establish its state requirements in addition to and supplementing federal ADA Title III requirements under US DOJ rules, which require covered movie theaters to

provide *closed captioning* and audio description for digital movies produced, distributed or available with those features, accessed by use of individual movie captioning and audio devices at individuals' seats.

As enacted in 2015, Act 39 was considered landmark legislation for the deaf community, the first of its kind in the nation, specifically because it required the limited number (2) of open captioned showings per week, that were not required by federal law. Many of the 2015 testifiers on H.B. No. 1272, which was enacted as Act 39, testified that closed captioning was not an effective accommodation for everyone to enjoy a movie viewing experience, noting that the "cupholder" closed caption reading device required the viewer to simultaneously look down at the text and up at the screen, the use of available eyewear to read closed captions was uncomfortable and disorienting, and that the eyewear for reading closed captions could not be worn by viewers who need and use prescription eyeglasses.

Act 211, enacted in 2017, reduced the required number of open captioned showings from two to one per week. However, by inserting the "or" between the amended H.R.S. § 489-9(a)(1) and (2), it effectively eliminated the requirement for any open captioned showings for theaters that provide closed captioning systems by means of lightweight eyewear. It did so without defining "lightweight eyewear," or any numerical requirement for the number of lightweight eyewear units a theater would have to provide at each theater or megaplex location. (The US DOJ federal rule requires a megaplex with 8-15 auditoriums to have 8 captioning devices, which could be eyewear or other captioning devices used by patrons at their seats.)

Act 211 effectively eliminated the open captioned showing requirement that made the current law additive and supplemental to the federal requirements. The HCRC has consistently opposed rollback, erosion, and elimination of existing civil rights protections.

H.B. No. 1009, H.D.1, will help to ensure that members of the deaf community have full, equal, and nondiscriminatory access to and enjoyment of motion pictures with open captioning.

The HCRC strongly supports H.B. No. 1009, H.D.1.



APHIRAK BAMRUNGRUAN EXECUTIVE DIRECTOR

STATE OF HAWAII DEPARTMENT OF HEALTH OFFICE OF LANGUAGE ACCESS

830 PUNCHBOWL STREET, ROOM 322 HONOLULU, HAWAII 96813

February 9, 2019

To: The Honorable Representative Chris Lee, Chair

The Honorable Representative Joy A. San Buenaventura, Vice Chair Members of the House Committee on Labor & Public Employment

From: Aphirak Bamrungruan, Executive Director

Subject: **HB 1009, HD1** – RELATING TO MOVIE THEATERS

Hearing: Monday, February 11, 2019, 2:00 PM

Conference Room 325, State Capitol

Agency's Position: The Office of Language Access (OLA) supports House Bill 1009, HD1.

<u>Purpose and Justification</u>: The purpose of this measure is to make permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning at least two showings per week and repeals the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

The purpose of OLA's enabling statute (Hawaii Revised Statutes 321C) is to address the language access needs of limited English Proficient (LEP) persons and ensure their meaningful access to services, programs, and activities offered by the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other state-funded agencies.

HB1009, HD1 benefits more than the Deaf, Deaf-Blind, and Hard of Hearing. Under the current law, the lightweight glasses are only available to those requiring an ADA accommodation, not for LEP individuals. Using open captioning can be a great tool for LEP individuals and English-Language Learners (ELLs) to enjoy movies and to increase an opportunity to learn the correspondence between spoken and written language. Open captioning provides a critical link to communication and making information accessible to LEP individuals and ELLs.

Thank you for the opportunity to testify on this bill.



Testimony on behalf of the Hawai'i State Commission on the Status of Women **Khara Jabola-Carolus, Executive Director**

Prepared for the House Committee on Judiciary

In Support of HB1009 HD1
Monday, February 11, 2019, at 2:00 p.m. in Room 325

Dear Chair Lee, Vice Chair San Buenaventura and Honorable Members,

The Hawai'i State Commission on the Status of Women supports HB1009 HD1, which would require a movie theater to provide at least two showings per week per movie offered with open movie captioning. The legislation would also remove the option of a movie theater to provide eyewear to fulfill the movie captioning requirement.

The Commission supports the Deaf and hard-of hearing community, especially our very own Deaf Women's Taskforce. This measure would help to redress years of discrimination by private entities that provide public accommodations. HB1009 would also allow the Deaf community more equal access to culture and entertainment that was diminished in the 1920s when open captioning dwindled. Accordingly, the Commission ask the Committee to pass HB1009 HD1.

Sincerely,

Khara Jabola-Carolus

Submitted on: 2/8/2019 7:30:34 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Aloha State Association of the Deaf	Support	Yes

Comments:

HOUSE BILL 1009 TESTIMONY TO THE HOUSE COMMITTEE ON 12/2 JUDICIARY

February 8, 2019 Representative Chris Lee, Chair Judiciary Hawaii State Capitol, Room 436 415 South Beretania Street Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult. Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf, Deaf-Blind or Hard of Hearing so they can view captions detailing spoken words, sounds, and music throughout the film. These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune systems. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a "captioning box," which is placed in an attendee's cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening. This causes strained necks and eyes and increases the likelihood that Deaf, Deaf-Blind and Hard of Hearing moviegoers miss portions of the film. These devices are also unreliable due to battery failure and lack of proper connectivity too.

Providing open captions directly on films allows patrons who are Deaf, Deaf-Blind or Hard of Hearing to enjoy a film equally to that of their hearing peers. Open captions do not just benefit individuals who are Deaf, Deaf-Blind or Hard of Hearing but also those

with other disabilities or non-native English speakers who may rely on captions to fully understand what is said.
Sincerely,

Darlene Ewan

President



Special Education Advisory Council

Ms. Martha Guinan, *Chair* Ms. Dale Matsuura, *Vice Chair* Dr. Patricia Sheehey, *Vice*

Chair

Ms. Ivalee Sinclair, Vice Chair

Ms. Brendelyn Ancheta

Ms. Virginia Beringer

Ms. Deborah Cheeseman

Ms. Annette Cooper

Mr. Motu Finau

Mr. Sage Goto

Ms. Lindsay Heller

Dr. Kurt Humphrey

Ms. Tina King

Ms. Bernadette Lane

Ms. Kaili Murbach

Ms. Stacey Oshio

Ms. Carrie Pisciotto

Ms. Kau'i Rezentes

Ms. Rosie Rowe

Mr. James Street

Mr. Francis Taele

Mr. Steven Vannatta

Dr. Amy Wiech

Ms. Jasmine Williams

Ms. Susan Wood

Ms. Cara Tanimura, liaison to the Superintendent
Dr. Bob Campbell, liaison to the military community

Amanda Kaahanui, Staff Susan Rocco, Staff

SEAC

Special Education Advisory Council 1010 Richards Street, Room 118 Honolulu, HI 96813

Phone: 586-8126 Fax: 586-8129 email: spin@doh.hawaii.gov

February 11, 2019

Representative Chris Lee, Chair Committee on Judiciary Hawaii State Capitol Honolulu, HI 96813

RE: H.B. 1009 H.D. 1 - RELATING TO MOVIE THEATERS

Dear Chair Lee and Members of the Committee,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), strongly supports the intent of H.B. 1009 H.D. 1 that makes permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning at least twice a week with at least one showing on a Saturday or Sunday.

SEAC is a strong advocate for inclusive practices in school and in the community. It is well documented that open movie captioning provides a preferred access to the movie-going experience for students who are deaf and students who are English learners. Students with learning disabilities, attention deficit hyperactivity disorder, or other cognitive disabilities also benefit from the open captions supplementing the audio. Research has further shown that the majority of the movie audiences adapt easily to the captions and find the captions beneficial by supplementing the audio when dialogue is missed due to poor sound quality or due to audience noises.

Thank you for the opportunity to provide testimony on this important legislation. If you have questions or concerns, please contact us.

Sincerely,

Martha Guinan

Chair

Jalea Sinclair

Legislative Committee Chair

<u>HB-1009-HD-1</u> Submitted on: 2/8/2019 6:26:10 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Submitted By Organization		Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Support	No

Comments:

Submitted on: 2/8/2019 7:40:35 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eva Momosea	Individual	Support	Yes

Comments:

Dear Rep. Lee,

I support this bill because I go moives with my mom when it is open captioned. I did try to watch it with an eyeglasses device at the Regal Dole. I did not like it. I will tell you more when I go capitol with my mom on Monday..

Eva Momosea

Honolulu, Hawaii

Submitted on: 2/8/2019 7:48:34 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Momosea- Silva	Individual	Support	Yes

Comments:

Dear Rep. Lee,

I am a student at HSDB. My mom is deaf. We go to open movie captioning at the theaters many times. I always worry for my mom because when we go- they might ask my mom to write down the address where we live. It is because we have to borrow eyeglasses devices to watch it with captions.

I did not like the idea we are giving our home address because other people can know where we live. They could take picture of the sign in form and use our address for their use. I don't feel comfortable. My mom, my sister, and I won't go to regal and consolidated when it is not open captioned. I feel better.

Also I went to mainland, my friends asked me about Hawaii's the only state with open movie captioned. I feel proud because I remember I signed many letters since 2015. I am a proud Hawaiian.

Anthony Momosea-Silva

Honolulu, Hawaii

Submitted on: 2/8/2019 7:31:22 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Individual	Support	Yes

Comments:

HOUSE BILL 1009 TESTIMONY TO THE HOUSE COMMITTEE ON 12/2 JUDICIARY

February 8, 2019 Representative Chris Lee, Chair Judiciary Hawaii State Capitol, Room 436 415 South Beretania Street Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult. Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf, Deaf-Blind or Hard of Hearing so they can view captions detailing spoken words, sounds, and music throughout the film. These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune systems. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a "captioning box," which is placed in an attendee's cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening. This causes strained necks and eyes and increases the likelihood that Deaf, Deaf-Blind and Hard of Hearing moviegoers miss portions of the film. These devices are also unreliable due to battery failure and lack of proper connectivity too.

Providing open captions directly on films allows patrons who are Deaf, Deaf-Blind or Hard of Hearing to enjoy a film equally to that of their hearing peers. Open captions do not just benefit individuals who are Deaf, Deaf-Blind or Hard of Hearing but also those

with other disabilities or non-native English speakers who may rely on captions to fully understand what is said.

Sincerely,

Darlene Ewan

Honolulu, Hawaii

February 11, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Monday, February 11, 2019 at 2:00 PM

Conference Room 325, State Capitol

RE: HOUSE BILL 1009 RELATING TO MOVIE THEATERS (OPEN CAPTION)

Aloha Chair Lee:

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

As a mother to a deaf child, attending movies with my son and my hearing daughter is always a bonus. Unfortunately we are limited in the types of movies he has access to. The equipment provided by the theaters (and not all have this equipment) is meant for adults and therefore he's unable to effectively use it. We experience a lot of moments where he loses interest during the movie.

These "light-weight" equipment and other mobile options are not realistic for all viewers and sometimes have technical difficulties where the wrong subtitles are added to the movie. I must also ask you to consider that there may be individuals who aren't able to use these devices.

We use open captioning at home to help familiarize him with communication that occurs with others. It's disheartening to attend a movie realizing that he has absolutely ZERO access to what is shown. We have had the pleasure in experiencing open caption and honestly, no one in the theater seemed to mind. It's heartbreaking to know that people live in fear that adding open caption would decrease their revenues, when in fact, it would increase. You are not only now making it available to the deaf/hard of hearing community, but you are attracting a new market of patrons that previously avoided these theaters. It's used for all foreign movies, what is the difference to English speaking?

The bill doesn't require ALL showings to have open captioning, but just 2 per week. When considering a theater averages 40 showings a day 7 days a week, asking for 2 out of 280 showings are very minimal, but benefits children like my son Caleb.

Mahalo,

Nikki Kepoo

Mother of a deaf child (6yrs) - Kaneohe, Hawaii

February 12, 2019

Rep. Chris Lee, Chair Rep. Joy A. San Buenaventura, Vice Chair House Committee on Judiciary Hawaii State Capitol 415 So. Beretania Street, Honolulu, HI 96813

Re: HB1311 – PROPOSING AMENDMENTS TO ARTICLE VI OF THE CONSTITUTION OF THE STATE OF HAWAII TO AMEND THE MANNER IN WHCH JUSTICES AND JUDGES ARE APPOINTED, CONSENTED TO, AND RETAINED.

Alohas Rep. Chris Lee, Chair, and Rep. Joy San Buenaventura, Vice Chair, and Members of the Committee:

My name is Momi Cazimero. I **OPPOSE** House Bill 1311.

I am a concerned citizen, deeply troubled by this bill because I am old enough to remember when political appointments resulted in a lack of trust in the Judiciary. That is why Hawai'i adopted the merit selection process. I have served on many community boards, including the Judicial Selection Commission, National Board of the American Judicature Society, AJS Hawaii, and currently—the Judicial Review Panel because I have trust in the balance they seek.

I also have confidence in the cornerstone of our Constitution that establisheds three, separate branches of government—Executive, Legislative and Judicial. The goal of the founders was to provide the necessary checks and balance, to foster democratic aspirations.

William Richardson, for whom the University of Hawai'i Law School is named, was Lt. Governor under John A. Burns and appointed Chief Justice of the Judiciary. His esteemed credentials in both the legislative and judicial branch inspired his ethics—and I quote: "Only an independent judiciary can resolve disputes impartially and render decisions that will be accepted by rival parties, particularly if one of those parties is another branch of government."

In alignment with Richardson's principles, the 1978 Hawaii Constitutional Convention established the Judicial Selection Commission to remove political influence on the Judiciary.

Chief Justice Richardson's wisdom affirms the authority vested in the Judicial Selection Commission by the 1978 Constitutional Convention. That coalition has bolstered my resolve to support the independence of the judiciary. It is a core value of our democracy.

Unspoken in the **core value** of Richardson's legal eloquence, is the protection of every individual or organization that rely on the court for justice. The people of Hawai'i deserve an independent judiciary grounded **exclusively** in the Rule of Law. It is notable that when similar bills were submitted in prior sessions of the Legislature the opposition was overwhelming; prompting me to ask "Why?"

The scales of justice must not be tipped by external influence, and in my opinion, this bill attempts to compromise the independence of the Judiciary. For that very reason, I am here to urge this committee NOT to pass House Bill 1311.

Mahalo

February 11, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Monday, February 11, 2019 at 2:00 P.M. Conference Room 325, State Capitol

RE: HOUSE BILL 1009 RELATING TO MOVIE THEATERS

Dear Chair Lee:

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawai'i.

In 2015, Hawaii became the first state in the U.S. to require open captioning at movie theaters. This allowed me to enjoy the movies once again with my elderly grandmother who relies on the captioning to understand what is going on. However, in 2017, the law changed to allow "lightweight eyewear" to be offered instead of open captioning. This had a negative impact on our experience at movie theaters as my grandmother is not in a protected class under the ADA and therefore is not eligible to use the captioned glasses.

House Bill 1009 will correct Hawai'i's open captioning law and make it permanent, ensuring that individuals in Hawaii who are Deaf, hard of hearing, or deaf-blind have full and equal access at movie theaters. Please vote in support of this bill.

Mahalo for the opportunity to submit testimony.

Sincerely,

Māla Arkin PO BOX 11988 Honolulu, HI 96828

February 11, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Tuesday, February 11, 2019 at 2:00 P.M. Conference Room 325, State Capitol

RE: HOUSE BILL 1009 RELATING TO MOVIE THEATERS

Dear Chair Lee:

I am submitting this testimony in strong support of House Bill 1009, which will ensure that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind are afforded full and equal access at movie theaters in Hawaii by requiring open captioned showings. I have relied on open captioning my entire life to fully enjoy screen-based dialogue; no other method has ever remotely given me an equal degree of access.

The decision to allow for "lightweight" eyewear as a substitute for open captioning was a slap in the face for me; I was left feeling like I was demoted to a second-class citizen who was not worthy of a fully accessible movie-going experience. The "lightweight" eyewear is not light, comfortable, or effective. Even more so, they are embarrassing and borderline discriminatory to wear.

To go even further, individuals other than those who are deaf, hard of hearing, or deaf-blind benefit from captioning. This is true for kupuna, members of the limited English proficient community, or everyday individuals desiring to comprehend heavily accented or obscured dialogue. In fact, a study by the BBC showed that 80% of individuals who rely on captioning have no hearing disability at all. However, these same individuals cannot benefit from assistive technology provided at movie theaters because, without a disability, they cannot request ADA accommodations. This is where mandatory open captioning is a boon; it allows anyone – regardless of ability – to benefit from captioned movies.

There are many issues with Hawaii's current open captioning law that will be corrected and made permanent by House Bill 1009, which will ensure that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal opportunity to enjoy showings at movie theaters. I ask you to consider including language to require at least one showing on a Saturday or Sunday (as seen in HB 1340/SB 331) and vote in support of this bill.

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Sincerely,

Mary Harman Honolulu, HI

¹ http://news.bbc.co.uk/2/hi/uk news/magazine/4862652.stm

Submitted on: 2/8/2019 7:32:06 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Ewan	Individual	Support	No

Comments:

HOUSE BILL 1009 TESTIMONY TO THE HOUSE COMMITTEE ON 12/2 JUDICIARY

February 8, 2019 Representative Chris Lee, Chair Judiciary Hawaii State Capitol, Room 436 415 South Beretania Street Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult. Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf, Deaf-Blind or Hard of Hearing so they can view captions detailing spoken words, sounds, and music throughout the film. These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune systems. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a "captioning box," which is placed in an attendee's cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening. This causes strained necks and eyes and increases the likelihood that Deaf, Deaf-Blind and Hard of Hearing moviegoers miss portions of the film. These devices are also unreliable due to battery failure and lack of proper connectivity too.

Providing open captions directly on films allows patrons who are Deaf, Deaf-Blind or Hard of Hearing to enjoy a film equally to that of their hearing peers. Open captions do not just benefit individuals who are Deaf, Deaf-Blind or Hard of Hearing but also those

with other disabilities or non-native English speakers who may rely on captions to fully understand what is said.

Sincerely,

Theresa Ewan

Honolulu, Hawaii

Submitted on: 2/10/2019 10:39:36 AM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
DeWayne Berg	Individual	Support	No

Comments:

Aloha!

Representative Chris Lee, Chair Judiciary Hawaii State Capitol, Room 436 415 South Beretania Street Honolulu, Hawaii 96813

Dear Representative Lee,

I, DeWayne A Berg, am submitting this testimony in COMPLETE support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

Having a deaf partner, deaf parents, and many deaf friends, this would be the most wonderful law to provide more equal access to our deaf citizens. I am hearing, but most of my social circles are deaf. This bill would make it so much easier to be able to see a movie by requring each movie to have at least 2 open caption showings. Having the captions right on the screen is much better than wearing those pesky glasses. I usually had to get a pair after having several bad experiences as my partner's glasses wouldn't work, or the battery would die, and he would have to go back and forth and miss a lot of the movie. So I had to get a back up which, he would usually end up having t us. Plus have you worn those uncomfortable things? They are just totally unreliable.

Please pass this bill to ensure equal access for our deaf and hard of hearing citizens.

Mahalo!

DeWayne A Berg

February 10, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Monday, February 11, 2019 at 2:00 P.M. Conference Room 325, State Capitol

RE: HOUSE BILL 1009 RELATING TO MOVIE THEATERS

Dear Chair Lee and committee members:

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

In 2015, Hawaii became the first state in the U.S. to require open captioning at movie theaters. That allowed me to enjoy full and equal access to movies. However, in 2017, the law changed to allow "lightweight eyewear" to be offered instead of open captioning. This had a negative impact on my experience at movie theaters. The glasses are uncomfortable to wear, and I am not able to fully understand movies when using the device.

Often times, when the captioning stopped working i ended up missing the opportunity to enjoy the movie and also I am using my prescription eyeglasses, the use of captioning glass interfered my vision. it is uncomfortable and unfair that I have to put up with i while others don't have to experience what i went thru. Losing my money over to the broken system does not well with me.

House Bill 1009 will correct Hawaii's open captioning law and make it permanent, ensuring that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal access at movie theaters. Please vote in support of this bill.

Mahalo for the opportunity to submit testimony.

Malama Pono,

Billy Kekua

Waipahu

February 11, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Monday, February 11, 2019 at 2:00 P.M. Conference Room 325, State Capitol

RE: HOUSE BILL 1009 RELATING TO MOVIE THEATERS

Dear Chair Lee:

I am submitting this testimony in strong support of House Bill 1009, which will ensure that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal access at movie theaters in Hawaii by requiring open captioned showings. I have relied on open captioning my entire life to fully enjoy screen-based dialogue; nothing else has allowed me to experience the degree of access afforded by open captioning.

In fact, I recall rejoicing in 2015, when Hawaii became the first state in the U.S. to require open captioning at movie theaters. That feeling, however, diminished when the law changed in 2017. The decision to allow for "lightweight" eyewear as a substitute for open captioning was a gut-punch; I could not help but feel like a second-rate citizen. Assistive devices are glitchy, and my ability to follow dialogue is never "effective" – the standard required by the Americans with Disabilities Act. Moreover, wearing devices feels ostracizing. Wear them yourself in a room full of strangers and you will understand what I mean.

There are many issues with Hawaii's current open captioning law that will be corrected and made permanent by House Bill 1009, which will ensure that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal opportunity to enjoy showings at movie theaters. Please consider including language to require at least one showing on a Saturday or Sunday (as seen in HB 1340/SB 331) and vote in support of this bill.

Mahalo for the opportunity to submit testimony.

Sincerely,

Colin Whited Honolulu, HI

From: S S < soshimizu@gmail.com>
Sent: S unday, February 10, 2019 9:34 PM

To: JUDtestimony

Subject: HOUSE BILL 1009 RELATING TO MOVIE THEATERS OPEN CAPTIONING PLEASE

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Monday, February 11, 2019 at 2:00 P.M. Conference Room 325, State Capitol

Dear Chair Lee:

My name is Sherry Shimizu and I am a resident of Pearl City; I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii. I am a deaf person who enjoys going to movies.

In 2015, Hawaii became the first state in the U.S. to require open captioning at movie theaters. That allowed me to enjoy full and equal access to movies. However, in 2017, the law changed to allow "lightweight eyewear" to be offered instead of open captioning. This had a negative impact on my experience at movie theaters. The glasses are uncomfortable to wear, and I am not able to fully understand movies when using the device.

With open captioning, I feel as patron, equal to other movie goers instead of feeling embarrassment at wearing "eyewear" and being different from the rest of the audience.

House Bill 1009 will correct Hawaii's open captioning law and make it permanent, ensuring that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal access at movie theaters. Please vote in support of this bill.

Mahalo for the opportunity to submit testimony.

Sincerely, Sherry Shimizu Pearl City

From: Rod Macdonald <ri>rjmacdonald@hawaiiantel.net>

Sent: Sunday, February 10, 2019 5:44 PM
To: JUDtestimony@capitol.hawaii.gov.
Cc: rjmacdonald@hawaiiantel.net

Subject: Testimony of Roderick J. Macdonald to the House Committee on Judiciary, HB1309

Relating to Movie Theaters

TESTIMONY OF RODERICK J. MACDONALD February 11, 2019

RE: HOUSE BILL 1009 - RELATING TO MOVIE THEATERS

HOUSE COMMITTEE ON JUDICIARY

The Honorable Chris Lee, Chair

Monday, February 11, 2019 - 2:00 A.M. Conference Room 325, Hawaii State Capitol

Mr Chairman, Members:

I am writing in support of House Bill 1009, which will make permanent the requirement that movie theaters in Hawaii provide descriptive video and open captioning programming.

It has been a long time since I could enjoy movies - I am both deaf and blind. I have very fond memories of enjoying epic films - 20,000 Leagues Under The Sea, Davey Crockett, L'il Abner among them. But I still have hope that technology will soon enable me to follow movies in braille using this technology and wireless adaptation. The tech must be in place for this to happen.

I have many blind friends who regularly enjoy descriptive narration that gives them access to the "action" they cannot see. I have many deaf friends who are now devoted movie-goers because the captioning gives them access.

I submit to you that these services are an important part of the disability community's right to access public services, and a huge boost to their quality of life.

Please support HB1009!

Thank you Rod Macdonald

From: Shannon McMahon <aslart7@gmail.com>
Sent: Sunday, February 10, 2019 11:50 AM

To: JUDtestimony

Subject: HOUSE BILL 1009 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

HOUSE BILL 1009 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

February 10, 2019 Representative Chris Lee, Chair Judiciary Hawaii State Capitol, Room 436 415 South Beretania Street Honolulu, HI 96813

Dear Representative Lee,

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult.

Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf, Deaf-Blind and Hard of Hearing, so they can view captions detailing spoken words, sounds, and music throughout the film.

These "closed captioning" glasses are unreliable, due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned, WHICH could pose a health risk to those with compromised immune systems.

Also, the glasses are so uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a "captioning box," which is placed in an attendee's cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what's said.

This captioning box causes strained necks and eyes and increase the likelihood that Deaf, Deaf-Blind and Hard of Hearing moviegoers miss portions of the film. These devices are also unreliable due to battery failure and lack of proper connectivity, too.

Providing open captions directly on films allow patrons who are Deaf, Deaf-Blind and Hard of Hearing to enjoy a film equally to that of Hearing peers.

Open captions don't just benefit individuals who are Deaf, Deaf-Blind and Hard of Hearing but also those with other disabilities or non-native speakers who may rely on captions to fully understand what is said.

Sincerely, Shannon McMahon Kaneohe

Sent from my iPhone

From: Kathy Thomas <alohakat74@yahoo.com>
Sent: Sunday, February 10, 2019 11:49 AM

To: JUDtestimony

Subject: HOUSE BILL 1009 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

HOUSE BILL 1009 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

February 10, 2019

Representative Chris Lee, Chair Judiciary Hawaii State Capitol, Room 436 415 South Beretania Street Honolulu, HI 96813

Dear Representative Lee,

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult.

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Open captions don't just benefit individuals who are Deaf, Deaf-Blind and Hard of Hearing but also those with other disabilities or non-native speakers who may rely on captions to fully understand what is said.

Sincerely,

Kathy Thomas Kaneohe

From: kate eifler < kate.eifler@gmail.com> **Sent:** Saturday, February 9, 2019 12:17 PM

To: JUDtestimony **Subject:** House Bill 1009

February 9, 2019 Representative Chris Lee, Chair Judiciary Hawaii State Capitol, Room 436 415 South Beretania Street Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult. Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf, Deaf-Blind or Hard of Hearing so they can view captions detailing spoken words, sounds, and music throughout the film. These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune systems. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a "captioning box," which is placed in an attendee's cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening. This causes strained necks and eyes and increases the likelihood that Deaf, Deaf-Blind and Hard of Hearing moviegoers miss portions of the film. These devices are also unreliable due to battery failure and lack of proper connectivity too.

Providing open captions directly on films allows patrons who are Deaf, Deaf-Blind or Hard of Hearing to enjoy a film equally to that of their hearing peers. Open captions do not just benefit individuals who are Deaf, Deaf-Blind or Hard of Hearing but also those with other disabilities or non-native English speakers who may rely on captions to fully understand what is said.

Sincerely,

Kate Eifler

Kate Eifler, CI, CT American Sign Language/English Interpreter kate.eifler@gmail.com 808.268.8919

From: Nicholas Rivera <mr.storm299@gmail.com>

Sent: Saturday, February 9, 2019 8:14 AM

To: JUDtestimony

Subject: HOUSE BILL 1009 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

February 9, 2019 Dear Representative Lee,

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult. Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf, Deaf-Blind or Hard of Hearing so they can view captions detailing spoken words, sounds, and music throughout the film. These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune systems. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a "captioning box," which is placed in an attendee's cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening. This causes strained necks and eyes and increases the likelihood that Deaf, Deaf-Blind and Hard of Hearing moviegoers miss portions of the film. These devices are also unreliable due to battery failure and lack of proper connectivity too.

Providing open captions directly on films allows patrons who are Deaf, Deaf-Blind or Hard of Hearing to enjoy a film equally to that of their hearing peers. Open captions do not just benefit individuals who are Deaf, Deaf-Blind or Hard of Hearing but also those with other disabilities or non-native English speakers who may rely on captions to fully understand what is said.

Sincerely,
Nicholas Rivera □■
Nicholas Rivera

Sharlyn Chong

From: Sent: To:	Sharlyn Chong <schong5808@gmail.com> Saturday, February 9, 2019 8:10 AM JUDtestimony</schong5808@gmail.com>
February 8, 2019	
Dear Representative Lee,	
I am submitting this testimony in theaters in Hawaii.	support of House Bill 1009, which will permanently require open captioning at movie
seeing a film in a movie theater ca attendees who are Deaf, Deaf-Bli music throughout the film. These glasses are heavy, often not prope	ard of Hearing residents and visitors to the islands including all residents of Hawaii, an prove to be difficult. Often, movie theaters offer "closed captioning" glasses for and or Hard of Hearing so they can view captions detailing spoken words, sounds, and glasses are unreliable due to battery failure and lack of proper connectivity. The erly cleaned - which could pose a health risk to those with compromised immune ortable and can be difficult to wear for those that also use every day glasses, hearing
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Sincerely, Sharlyn Chong	

From: Analynn Bartlett <bartlett.s.alynn89@gmail.com>

Sent: Saturday, February 9, 2019 5:24 AM

To: JUDtestimony
Subject: House Bill 1009

February 8, 2019 Representative Chris Lee, Chair Judiciary Hawaii State Capitol, Room 436 415 South Beretania Street Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii. I am not a resident of Hawaii but I am watching this bill very closely. Passing this bill would open many doors elsewhere.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors seeing a film in a movie theater can prove to be difficult. I'm sure the same is for your Hawaiian residents as is for my local theater in Texas. Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf, Deaf-Blind or Hard of Hearing so they can view captions detailing spoken words, sounds, and music throughout the film. These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune systems. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a "captioning box," which is placed in an attendee's cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening. This causes strained necks and eyes and increases the likelihood that Deaf, Deaf-Blind and Hard of Hearing moviegoers miss portions of the film. These devices are also unreliable due to battery failure and lack of proper connectivity too. My local theater provides these captioning boxes. From my experience, something goes wrong with them every single time and we end up walking out or missing parts of the movie.

Providing open captions directly on films allows patrons who are Deaf, Deaf-Blind or Hard of Hearing to enjoy a film equally to that of their hearing peers. Open captions do not just benefit individuals who are Deaf, Deaf-Blind or Hard of Hearing but also those with other disabilities or non-native English speakers who may rely on captions to fully understand what is said.

Thank you so much for taking the time to read my email. Like I said I am not a resident of Hawaii, but I am watching this bill, for the hopes that this will open many other doors. I would love to see open captions in my local theater.

Sincerely,

Analynn Bartlett

From: Cheryl Mizusawa <damizu@me.com>
Sent: Friday, February 8, 2019 10:43 PM

To: JUDtestimony
Subject: Support HB 1009

HOUSE BILL 1009 TESTIMONY TO THE HOUSE COMMITTEE ON **\$\partial\$** JUDICIARY

February 8, 2019
Representative Chris Lee, Chair
Judiciary
Hawaii State Capitol, Room 436
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult. Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf, Deaf-Blind or Hard of Hearing so they can view captions detailing spoken words, sounds, and music throughout the film. These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune systems. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

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Sincerely,

Cheryl Mizusawa Sent from iPhone

Submitted on: 2/11/2019 12:27:28 PM Testimony for JUD on 2/11/2019 2:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
A. Lee	Individual	Support	No

Comments:

Dear Sir/Madam:

I am writing to express my strong support for HB 1009 relating to Movie Theatres. I have a moderate – severe hearing disability since birth. As a child growing up, I would watch cartoons and have no idea what the characters were saying. My husband would sometimes make cultural references to movies and tv shows from his youth – and I could only give him a blank look. Today, I have the benefit of being able to watch movies with closed captioning with my family. Of course, we would have to wait until the movie becomes available to stream online with captioning. I have two young kids, aged 6 and 9. It would have been nice to be able to plan weekend outings together to watch the latest movies.

While I am appreciative of the assistive technology that is provided, headphones are still not adequate for me to understand dialogue and quite frankly, I do not like to wear communal headphones/eyewear. I also do not want to hand over my driver's license in exchange for use of an assisted device. Stolen identity theft is on the rise, and there is a lot of private information on my driver's license that would be left unattended for the duration of the movie showing.

Open captioning is also something that everyone can benefit from. Parents and anyone who cares about the education of our youngest citizens, might be pleased to know that children are reading while watching movies. In India and Finland, there are numerous studies indicating that when people watch movies or tv shows with captioning, they develop greater written fluency. Therefore, by providing open captioning in movie theatres, you would enable a stronger generation of readers and increase the number of moviegoers who can now join their friends and family and enjoy the latest movies.

Thank you for your time and consideration.